

SECOND REGULAR SESSION

SENATE BILL NO. 1145

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time January 26, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4244S.01I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control enforcement systems.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.282, to read as follows:

304.282. 1. Wherever used in this section the following terms shall mean:

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images, including by digital means, of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Any city or county with a population greater than twenty-five thousand, or any city not within a county with reference to any intersection involving highways, roads, or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281.

3. Any city or county adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city or county.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was stolen at the time of the violation or that the motor vehicle passed through the intersection when the light was red in order to yield the right of way to an emergency vehicle, as part of a funeral procession, or that the motor vehicle had not illegally crossed the required stopping point. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time, and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through adjudication or payment of the fine and costs. Municipalities may use a traffic violation bureau established pursuant to section 479.050, RSMo, for payment of the fine and costs.

6. Any city not within a county that adopts an ordinance to establish an automated traffic control system shall designate the commission of such city established under section 82.485, RSMo, as the system administrator. The system administrator shall administer, supervise, and coordinate the duties herein established. The system administrator may hire or contract for such personnel, services, and equipment as necessary, and shall approve guidelines consistent with this act regarding the issuance of violation notices, administrative adjudication, the payment of fines, and all other aspects of enforcement. The system administrator shall establish an automated traffic control system fund for receipt of all fines. All fines shall be paid to the city and shall be collected and handled as provided for in section 82.485, RSMo. The system administrator shall transfer to the general fund of the city all of the automated traffic control system fund's net change in the fund's balance after all payments for the costs relating to the automated traffic control system and capital improvements and debt service incurred by the commission have been made.

7. Any city or county that establishes a traffic control signal enforcement

system pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

8. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automated traffic control signal enforcement system.

9. Any city or county that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city or county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city or county.

10. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

11. No points shall be assessed, as described in section 302.302, RSMo, and no fine, for a violation obtained through the use of an automated traffic control enforcement system shall exceed the maximum established in section 304.570.

T

Copy